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FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OCT 09 2018

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) NO. 3:18-MJ-71359 MAG (JCS)
Plaintiff,) ~~PROPOSED~~ DETENTION ORDER
v.)
ARMANDO DANIEL CALDERON,)
Defendant.)

On September 25, 2018, defendant Armando Daniel Calderon was arrested and charged by criminal complaint with conspiracy to distribute and to possess with intent to distribute methamphetamine, in violation of Title 21, United States Code, Sections 846 and 841(a)(1), (b)(1)(C). Defendant made his initial appearance on the complaint on September 26, 2018.

This matter came before the Court on October 4, 2018, for a detention hearing. The defendant was present and represented by Jessica Nall. Assistant United States Attorney Katherine Wawrzyniak appeared for the government. The government moved for detention, and the defendant opposed. At the hearing, counsel submitted proffers and arguments regarding detention.

Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on the record, the Court finds, by clear and convincing evidence, that no condition or combination of conditions will reasonably assure the safety of the community, as required. The Court also finds, by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the appearance of the defendant. Accordingly, the defendant must be detained pending further proceedings in this matter.

DETENTION ORDER
NO. CR 18-mj-71359 MAG (JCS)

1 The present order supplements the Court's findings and order at the detention hearing and serves
2 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
3 Section 3142(i)(1). As noted on the record, the Court makes the following findings as the basis for its
4 conclusion: in the last year, defendant has engaged in a pattern of dangerous behavior, involving
5 firearms and violence. He has disregarded court orders and was on pretrial release in a separate state
6 matter at the time of the instant offense.

7 On December 31, 2017, defendant's former romantic partner called police following a domestic
8 violence incident, during which defendant physically and sexually assaulted her. While the victim was
9 making the report, she and her family members received threatening phone calls, and the victim declined
10 to prosecute. After defendant went to the victim's parents' residence on February 9, 2018, the victim
11 obtained a temporary restraining order. A formal restraining order was entered following a hearing in
12 Alameda County on February 27, 2018. Under the terms of that order, defendant was not to possess any
13 firearms or ammunition. He was also prohibited from having contact with the victim or her family.

14 Notwithstanding the restraining order, between mid-February and the end of April 2018,
15 defendant contacted the victim repeatedly by voice call, text message, and social media. Defendant
16 showed up to the victim's place of work on two occasions. Approximately eleven additional police
17 reports were generated as a result of defendant's violations of the restraining order.

18 On July 29, 2018, defendant was involved in an argument outside a night club in Redwood City.
19 There is video footage showing him lifting up his shirt to reveal the handle of a gun. Less than a month
20 after that incident, defendant was arrested in San Jose following a vehicle stop during which officers
21 seized nearly two pounds of methamphetamine, a loaded .40-caliber gun, and ammunition. Defendant
22 was out on \$340,000 bail on the San Jose case when he surfaced in the federal investigation. During an
23 attempted traffic stop on September 11, 2018, defendant fled on foot, leaving behind a loaded 9 mm
24 handgun and a digital scale.

25 During the federal bust operation on September 25, 2018, defendant again fled on foot. Officers
26 gave chase and a struggle ensued. Defendant was able to grab one of the officer's service weapons
27 during the struggle.

1 In addition to the foregoing, defendant did not have any viable sureties willing to co-sign a bond.
2 His criminal conduct in the instant case occurred while he was on pretrial release in Santa Clara County.
3 There is also evidence that he possessed firearms on at least three occasions since the entry of the
4 restraining order on February 27, 2018.

5 The Court therefore concludes, on the basis of the facts available at this time, that no condition
6 or combination of conditions will reasonably assure the safety of the community or the appearance of
7 the defendant as required. This finding is made without prejudice to the defendant's right to seek review
8 of his detention, or file a motion for reconsideration if circumstances warrant it.

9 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

10 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
11 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving
12 sentences or being held in custody pending appeal;

13 2. The defendant be afforded reasonable opportunity for private consultation with counsel;
14 and

15 3. On order of a court of the United States or on request of an attorney for the government,
16 the person in charge of the corrections facility in which the defendant is confined shall deliver the
17 defendant to an authorized United States Marshal for the purpose of any appearance in connection with a
18 court proceeding.

19 IT SO ORDERED.

20
21 DATED: 2/29/18



HONORABLE JOSEPH C. SPERO
United States Magistrate Judge